

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DOUGLAS AUSTIN,

Plaintiff,

v.

SECURITAS SECURITY SERVICES USA, INC.,
a Delaware corporation,

Defendant.

Case No. 2:12-cv-01131

**PLAINTIFF'S COMPLAINT FOR
DAMAGES**

JURY DEMAND REQUESTED

Comes now Plaintiff DOUGLAS AUSTIN and complains of Defendant SECURITAS
SECURITY SERVICES USA, INC. as follows:

I. NATURE OF THE ACTION

This is an action for declaratory judgment, equitable relief, and monetary damages,
instituted to secure the protection of and to redress the deprivation of rights secured through
U.S.C. §1981 *et seq.* ("Section 1981"), Title VII of the Civil Rights Act of 1964, 42 U.S.C. §
2000(e), *et seq.* ("Title VII"), and the Washington Law Against Discrimination, RCW 49.60 *et*
seq. ("WLAD"). Plaintiff Douglas Austin alleges Defendant discriminated, harassed, and
retaliated against Plaintiff for engaging in protected activity. Plaintiff seeks monetary and

1 injunctive relief, including pecuniary and non-pecuniary damages and punitive damages to the
2 fullest extent allowed by law.

3 **II. JURISDICTION, VENUE AND PARTIES**

4
5 **1.** Jurisdiction is proper pursuant to 28 U.S.C. § 1331 since Plaintiff alleges claims that
6 comprise a federal question.

7 **2.** This Court has jurisdiction over Plaintiff's state claims pursuant to 28 U.S.C. § 1367.

8 **3.** Venue of this Court is invoked under 28 U.S.C. § 1391.

9 **4.** A substantial part of the events or omissions giving rise to Plaintiff's claim occurred in
10 the Federal District Court for the Western District of Washington at Seattle.

11 **5.** Plaintiff Austin is a citizen of Washington State and a resident of King County,
12 Washington.

13 **6.** Defendant Securitas Security Services USA, Inc. ("Securitas") is a Delaware corporation
14 doing business in the Western District of Washington. Defendant has the requisite number of
15 employees under the WLAD, Title VII, and Section 1981.

16 **7.** At all relevant times, Defendant was an employer engaged in an industry affecting
17 commerce.

18 **8.** Plaintiff was employed by Defendant in the Western District of Washington.

19 **III. STATEMENT OF CLAIMS**

20 **9.** Defendant engaged in unlawful employment practices against Plaintiff while he was
21 employed by Defendant in violation of 42 U.S.C. §1981 *et seq.*, Title VII, and the Washington
22 Law Against Discrimination, RCW 49.60 *et seq.*

23 **10.** The following facts are not exhaustive and merely provide support for Plaintiff's claims.

1 **11.** Plaintiff was employed by Defendant from September 2010 to the present.

2 **12.** Plaintiff is African-American.

3 **13.** Plaintiff has worked as a patrol officer for Defendant.

4 **14.** Plaintiff has reported to different supervisors, including Dylan White, who is Caucasian.

5 **15.** Plaintiff performed well throughout his employment history with Defendant.

6 **16.** Defendant engaged in harassment against Plaintiff when supervisor White repeatedly
7 made racial epithets against Plaintiff's race in Plaintiff's presence and while looking at Plaintiff.
8 Previously, supervisor White had frequently made other derogatory and racist comments at the
9 workplace in the presence of Plaintiff.
10

11 **17.** Defendant engaged in discrimination and further harassment against Plaintiff based on
12 his race by threatening to discipline him and disciplining him in fact for engaging in purported
13 acts. Upon information and belief, Defendant does not discipline non-African-American
14 employees who actually engage in the same or similar acts to those attributed to Plaintiff. The
15 purported acts attributed to Plaintiff leading to the threats and discipline were not performance
16 related.

17 **18.** Defendant failed to promote Plaintiff to positions to which he applied or requested to
18 apply including but not limited to openings from in or about January 2011.

19 **19.** Defendant filled these positions with less qualified candidates who are not African-
20 American.
21

22 **20.** Plaintiff engaged in protected activities under the above-identified statutes including but
23 not limited to when he complained to his supervisor(s), his Union, and other Defendant's agents
24 that he was being discriminated against and harassed based on his race.

25 **21.** In December 2011, Plaintiff further engaged in protected activity when he filed a charge
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with the Equal Employment Opportunity Commission (“EEOC”) complaining of the above-alleged discrimination and harassment.

22. Defendant engaged in all of the above unlawful conduct and the unlawful conduct was motivated by Plaintiff's race and opposition to Defendant's discriminatory conduct.

23. Defendant retaliated against Plaintiff for engaging in protected activity and for his opposition activity to the above referenced unlawful employment practices.

24. The effect of the practices complained of in the above paragraphs has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect his status as an employee because of his race and opposition to Defendant's unlawful activities.

25. Defendant failed to act to eliminate the discrimination, harassment, and retaliation.

26. The unlawful employment practices complained of in the above paragraphs were intentional.

27. The unlawful employment practices complained of in the above paragraphs were done with malice or with reckless indifference to Plaintiff's rights as protected by federal and state laws.

28. On information and belief, the unlawful employment practices complained of in the above paragraphs were instituted against other employees similarly situated with respect to Plaintiff based on their race.

IV. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with them, from engaging in any other employment practice which discriminates on the basis of race.

1 **B.** Order Defendant to institute and carry out policies, practices, and programs which
2 provide equal employment opportunities for all employees, and which eradicate the effects of
3 their past and present unlawful employment practices.

4 **C.** Order Defendant to make Plaintiff whole by providing appropriate back pay with
5 prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary
6 to eradicate the effects of their unlawful employment practices.

7 **D.** Order Defendant to make Plaintiff whole by providing compensation for past and future
8 pecuniary losses resulting from the unlawful employment practices described in the above
9 paragraphs, including out-of-pocket expenses, in an amount to be determined at trial, including
10 but not limited to damages provided for by RCW 49.48 *et. seq.*, and RCW 49.52 *et. seq.*

11 **E.** Order Defendant to make Plaintiff whole by providing compensation for past and future
12 nonpecuniary losses resulting from the unlawful practices complained of in the above
13 paragraphs, including without limitation emotional pain, suffering, and loss of enjoyment of
14 life, in an amount to be determined at trial.

15 **F.** Order Defendant to pay Plaintiff punitive damages for their conduct described in the
16 above paragraphs, in amounts to be determined at trial to the fullest extent allowed by law.

17 **G.** Order Defendant to pay Plaintiff for any and all tax consequences associated with the
18 damages and cost award, including but not limited to attorney's fees.

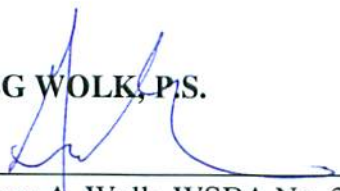
19 **H.** Award Plaintiff the costs of this action, including attorney's fees.

20 **I.** Grant any additional or further relief as provided by law, which this Court finds
21 appropriate, equitable, or just.
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1 DATED this 2nd day of July, 2012.

2 Respectfully submitted,

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4 **GREG WOLK, P.S.**

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